

## **APPLICATION FOR RENEWAL OF SPECIAL TEMPORARY AUTHORITY**

EchoStar Satellite Operating Corporation (“ESOC”, and collectively with its affiliates, “EchoStar”) hereby requests a 180-day renewal of its special temporary authority (“STA”), currently expiring on February 6, 2016,<sup>1</sup> to operate the EchoStar 3, EchoStar 12, and EchoStar 16 satellites on channels 1 and 2 at the nominal 61.5° W.L. orbital location.

### **I. INTRODUCTION AND BACKGROUND**

EchoStar currently operates the EchoStar 3, EchoStar 12, and EchoStar 16 satellites within in the 61.5° W.L. orbital cluster. The EchoStar 3 satellite, launched in 1998, was the first satellite in position at 61.5° W.L. and is currently an in-orbit spare operating under STA at 61.8° W.L.<sup>2</sup> EchoStar 12, launched in 2003, is located at 61.35° W.L.<sup>3</sup> EchoStar 16, which became operational in February 2013,<sup>4</sup> ensures the continued full utilization of the Direct Broadcast Satellite (“DBS”) spectrum at that orbital location.

On June 22, 2012, the Commission granted EchoStar’s applications to modify the authorized channels on these space stations from the nominal 61.5° W.L. orbital location from DBS service channels 1-22 and 25-32 to DBS channels 3-32, and for 180-day STAs to operate

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<sup>1</sup> See Stamp Grants, File Nos. SAT-STA-20150712-00043, Call Sign S2741 (granted Aug. 27, 2015); SAT-STA-20150712-00044, Call Sign S2653 (granted Aug. 27, 2015); SAT-STA-20150712-00045, Call Sign S2844 (granted Aug. 27, 2015).

<sup>2</sup> Stamp Grant, File No. SAT-STA-20150514-00036, Call Sign S2741 (granted Jul. 9, 2015).

<sup>3</sup> Stamp Grant, File No. SAT-MOD-20100310-00042, Call Sign S2653 (granted Jun. 9, 2010); see also Narrative, File No. SAT-MOD-20130905-00113, Call Sign S2653 (granted Feb. 27, 2013) (application for renewal of authorization to operate at 61.35° W.L.).

<sup>4</sup> Letter from Jaime Londono, Vice President, Advanced Programs & Spectrum Management, EchoStar Technologies LLC, to Fern Jarmulnek, Acting Chief, Satellite Division, International Bureau, FCC (Feb. 19, 2013) (“EchoStar 16 Letter”), filed in File No. SAT-LOA-20110902-00172, Call Sign S2844 (stating that EchoStar 16 became operational at 61.5° W.L. on February 14, 2013).

on channels 1 and 2 upon receipt of notification that EchoStar 16 had commenced operations.<sup>5</sup> EchoStar filed this notification on February 19, 2013.<sup>6</sup> The Commission renewed EchoStar's STAs to operate EchoStar 3, 12, and 16 on channels 1 and 2 on August 15, 2013; February 26 and August 20, 2014; and February 18 and August 27, 2015.

**II. THIS REQUEST IS IN THE PUBLIC INTEREST, IS CONSISTENT WITH PAST PRECEDENT, AND WILL NOT CAUSE HARMFUL INTERFERENCE**

Renewal of the 180-day STAs to operate EchoStar 3, 12, and 16 on channels 1 and 2 at the 61.5° W.L. nominal orbital location is in the public interest for the reasons set forth in the original STA grant, which is incorporated herein by reference.<sup>7</sup> EchoStar will continue to comply with the conditions on the use of the channels set forth in the original grant as follows:<sup>8</sup>

1. EchoStar's use of channels 1 and 2 shall cause no harmful interference to any other lawfully operating radio station, and EchoStar shall cease operation on these channels immediately upon notification of such interference.
2. EchoStar shall not claim protection from interference from any other lawfully operating radio station with respect to its operations on channels 1 and 2.
3. EchoStar has informed its customers in writing that services using channels 1 and 2 from the 61.5° W.L. cluster will be discontinued upon the termination of its temporary authority to operate on these channels.
4. EchoStar will continue to provide the required terms set forth in the original grant in its monthly billing statements and marketing notifications.
5. EchoStar will continue to use channels 1 and 2 at the nominal 61.5° W.L. orbital location only for free-standing, separate programming packages that are not required as a condition of purchasing any other programming packages and that are readily capable of being withdrawn on short notice.

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<sup>5</sup> *EchoStar Satellite Operating Corp.*, Order and Authorization, 27 FCC Rcd 7138, 7141-42 ¶¶ 10-11 (IB 2012) ("June 2012 Order").

<sup>6</sup> EchoStar 16 Letter.

<sup>7</sup> See June 2012 Order.

<sup>8</sup> See *id.* ¶ 11.

6. EchoStar will cease operations on channels 1 and 2 at the 61.5° W.L. orbital location upon the launch and operation of a satellite regularly licensed to operate on these channels at this location.

### **III. WAIVER PURSUANT TO SECTION 304 OF THE ACT**

In accordance with Section 304 of the Communications Act of 1934, as amended, 47 U.S.C. § 304, EchoStar hereby waives any claim to the use of any particular frequency or use of the electromagnetic spectrum as against the regulatory power of the United States because of the previous use of the same, whether by license or otherwise.

### **IV. CONCLUSION**

For the foregoing reasons, ESOC respectfully requests renewal of its STAs to operate EchoStar 3, EchoStar 12, and EchoStar 16 on channels 1 and 2 at the nominal 61.5° W.L. orbital location.